

AG Contract No. KR98-0369TRN  
ADOT ECS File: JPA 98-18-**Amendment Three**  
FS Agreement No. IA-0312-98-SO-021  
TRACS No.: **Various**  
Section: SR 87, SR 260, SR 88 and SR 188  
US 60 and SR 77  
**5-Year Program Item # 76505**

**AMENDMENT NO. THREE (3)**

**INTERGOVERNMENTAL AGREEMENT**

(Collection Agreement)

BETWEEN

THE STATE OF ARIZONA

AND

THE UNITED STATES DEPARTMENT OF AGRICULTURE  
TONGO NATIONAL FOREST

**THIS AMENDMENT**, entered into this date 6th October 2004, **Amendment Number Three (3)** to JPA 98-18, AG Contract No. KR98-0369TRN, and executed 03 June, 1998, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the UNITED STATES DEPARTMENT OF AGRICULTURE, TONGO NATIONAL FOREST, acting by and through its Contracting Officer (the "Forest Service").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Forest Service is empowered by Cooperative Funds Act of 30 June 1914 (16 U.S.C. 498) and the Intergovernmental Cooperation Act of 1968, Title III, 31 U.S.C. 6501-6508, Pub. L. 90-577, as amended, Pub. L. 97-258, 13 Sept. 1982 to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Forest Service.

**THE PURPOSE OF THIS AMENDMENT:** is to increase the Project's funding amount of an additional \$500,000.00, for a total cost of \$3,000,000.00. The Funding will be applied to Budget Item No. 76505, FS Project No IA-0312-98-SO-021, from fiscal year 2005. In addition, the expiration date for this Agreement will be extended to June 30th, 2007 or contingent upon final accounting whichever is first.

THEREFORE, in consideration of the mutual agreements expressed herein, this amended Agreement is as follows:

**Recital 3 is deleted and replaced with the following language:**

3. The Tonto National Forest Service agrees to provide the State with ground support services in the development and implementation of various highway construction improvement projects traversing through Tonto National Forest within State Route's 260, 87, 88, and 188. The State will reimburse the Forest Service for their contribution of services for the various projects. Only activities that are outside the current federal funded budget level are subject to this Agreement. Future cost increases subsequent to this Agreement JPA 98-18, shall be in writing and agreed upon by both parties as an amendment.

NO. 22397 #03

Filed with the Secretary of State

Date Filed: 10/06/04

Janice K. Brewer  
Secretary of State

By: Darryl D. Greenwald

## **II. SCOPE OF WORK**

1. The parties hereto acknowledge the following conditions:

### **The following shall replace Article II 2(a):**

The State will reimburse the Forest Service no more than monthly and upon receipt and approval of an invoice. Invoice will reflect Project-to-date amount, and shall not to exceed \$3,000,000.00

## **III. MISCELLANEOUS PROVISIONS**

1. This Agreement shall remain in force and effect until June 30, 2007 or contingent upon final accounting whichever is first. However, this Agreement may be cancelled upon mutual agreement, if the proposed objectives outlined in the Agreement are not being met, with a thirty-day (30) written notice to either party.

7. All contractual notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007  
FAX (602) 712-7424

USDA Forest Service  
Tonto National Forest  
Don VanDriel  
2324 E. McDowell Road  
Phoenix, AZ 85006

**Except as amended herein, all other terms and conditions of the original Agreement and Amendment 1 shall remain in full force and effect.**

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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**U.S. DEPARTMENT OF AGRICULTURE**  
Tonto National Forest

**STATE OF ARIZONA**  
Department of Transportation

By   
KARL P. SIDERITS  
Forest Supervisor

By   
DOUGLAS A. FORSTIE, P.E.  
Deputy State Engineer, Operations

9/27/04  
(Date)

9/29/04  
(Date)

**JPA 98-18**

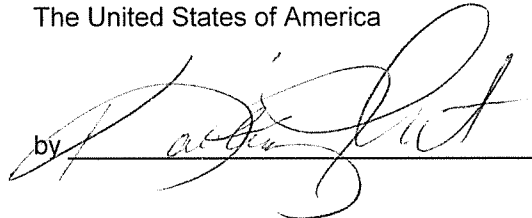
DETERMINATION APPROVAL FORM  
FOR THE TONTO NATIONAL FOREST

JPA Agreement No. 98-18 Amendment #2, which is an Agreement between public agencies; to wit; the STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the UNITED STATES OF AMERICA, TONTO NATIONAL FOREST, has been reviewed by the undersigned for the United States who has determined that it is in the proper form and within the powers and authority granted to the United States.

No opinion is expressed as to the authority of the State of Arizona to enter into said agreement.

DATED this 27 day of September, 2004.

The United States of America

by 



TERRY GODDARD  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TRANSPORTATION SECTION  
WRITER'S DIRECT NO: 602.542.8837

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR98-0369-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

Date: 30 September 2004

Terry Goddard  
ATTORNEY GENERAL

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

James R. Redpath  
Assistant Attorney General  
Transportation Section

JRR:djd:780214